IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 27188 of 2006(J)

PETITIONER:

GEETHA P, D/O.GEORGE,
AGED 25, RESIDING AT THOTTATHUVILAKAM (H)
R,C STREET, BALARAMAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.K.C.ELDHO

RESPONDENTS:
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1. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY IT'S SECRETARY,
OFFICE OF THE PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM.

2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
PALAKKAD DISTRICT.

3. TAHASILDAR,
NEYYATTINKARA, THIRUVANANTHAPURAM.

4. VILLAGE OFFICER,
KOTTUKAL, TRIVANDRUM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI.SUSARSHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 CERTIFICATE OF TTC DT 23.10.01.

P2 FIRST PAGE OF THE SSLC BOOK OF THE PETITIONER.

P3 CALL LETTER ISSUED BY R2.

P4 JUDGMENT IN OP.13520/02 DT 29.6.04.

P5 NON-CREAMY LAYER CERTIFICATE ISSUED BY R3.

P6 COMMUNICATION DT 3.11.06 ISSUED BY R3.

P7 RELEVANT PAGE OF RATION CARD OF THE PETITIONER.

P8 CERTIFICATE DT 9.10.06.

P9 RANK LIST PUBLISHED BY PSC.

P10 ADMISSION TICKET OF THE PETITIONER ISSUED BY R2.

P11 LIST OF SCHEDULED CASTE AND SCHEDULED TRIBES IN THE STATE OF KERALA.

RESPONDENT'S EXHIBIT:

R3(A) GEANEOLOGICAL STUDY OF THE KIRTADS.

TRUE COPY

P.A. TO JUDGE

S. SIRI JAGAN, J.

W.P. (C) No. 27188 OF 2006 J

Dated this the 23rd day of January, 2007

J U D G M E N T

The petitioner is an applicant before the Public Service Commission for selection to the post of Primary School Teacher pursuant to Ext.P3 notification. In the application, she claimed reservation benefits as applicable to Other Christians on the basis that the petitioner belongs to the "Christian Parava" community. However, the concerned Tahsildar namely, the 3rd respondent refused to issue a certificate to the petitioner showing her as a "Christian Parava". In the above circumstances, the petitioner has approached this court seeking the following reliefs:

> (i) issue a writ of mandamus or an appropriate writ or direction compelling the 3rd respondent to issue a Non-Creamy Layer Certificate in favour of the petitioner stating that she belongs to Paravar Christian in the light of Exts.P4 and P5 within a time limit stipulated by this Hon'ble court;
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> (ii) issue a writ of mandamus or any other appropriate writ, order or direction compelling the 2nd respondent to enlarge the time for production of Non-Creamy Layer Certificate till the issuance of the same by the 3rd respondent for considering the petitioner for appointment to the post of Primary Teacher as per Ext.P3.

2. A counter affidavit has been filed on behalf of the 3rd respondent in which it is specifically stated that the petitioner belongs to Latin Catholic community. It is further stated that the petitioner being a Latin Catholic

Christian, she cannot claim the status of converted Christian and obtain certificate as converted Christian, which is used for getting employment earmarked for actual Scheduled Caste converts. The apprehension of the 3rd respondent is that the petitioner may thus avail double benefits as Latin Catholic convert and as Scheduled Caste convert. The learned counsel for the petitioner submits that the petitioner is not interested in claiming any benefits as a Scheduled Caste convert but now that the 3rd respondent categorically admits that the petitioner is a Latin Catholic, she would be satisfied with a certificate showing her as a Latin Catholic and also as to whether or not she comes within the parameters of Creamy Layer. She also prays that the PSC may be directed to take into account such certificate to be issued by the 3rd respondent for the purpose of granting the petitioner reservation benefits as a Latin Catholic in the matter of selection to the post of Primary School Teacher pursuant to Ext.P3.

3. The learned counsel for the PSC submits that the petitioner has in her application claimed to be Other Christian and, therefore, now she cannot be given the benefits as applicable to Latin Catholic. I do not think that the petitioner should be denied the benefits as applicable to Latin Catholic on the basis of such technical contentions. As revealed by the documents produced along with the writ petition, the petitioner is shown as “Latin Christian Paravan”. Apparently, it is based on those documents that the petitioner has claimed reservation benefits as applicable to Other Christians. Now that the 3rd respondent admits that the petitioner is a Latin Christian, I do not think that the petitioner should be denied reservation

benefits available to her as a Latin Christian simply because on the basis of documents available with her, she showed her community as Other Christians in her application. Further, as between Other Christians and Latin Catholic the reservation benefit is the same except regarding the turn available to each. In the above circumstances, this writ petition is disposed of with the following directions:

The 3rd respondent is directed to issue a community certificate to the petitioner showing her as a Latin Christian (Latin Catholic) and stating therein as to whether or not the petitioner comes within the parameters for Creamy Layer. This shall be issued within two weeks from the date of receipt of a copy of this judgment. The petitioner shall produce the said certificate before the PSC, who shall grant appropriate reservation benefits to the petitioner based on that certificate. The PSC shall grant the petitioner three more weeks' time for production of the certificate in order to enable her to get reservation benefits as a Latin Christian.

(S. SIRI JAGAN, JUDGE)

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